

DOCKET NO: 219212US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KATSUSHI FUJII, ET AL. : EXAMINER: HUYNH, B
SERIAL NO: 10/067,350 :
FILED: FEBRUARY 7, 2002 : GROUP ART UNIT: 2179
FOR: INFORMATION PROCESSING :
APPARATUS, INFORMATION
PROCESSING METHOD,
RECORDING MEDIUM, AND
PROGRAM

**REQUEST TO RESET DUE DATE BASED ON FAILURE
TO RECEIVE NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants, through Counsel of record, respectfully request that the Notification of Non-Compliant Appeal Brief due date for the above-identified application be reset due to the fact that the U.S.P.T.O. communication mailed by the U.S. Patent and Trademark Office on June 11, 2009, was not received by Applicants' Representative. The facts concerning this matter are as follows:

Upon receipt of the mail from the Patent Office in this firm, all mail is opened and logged in a daily computer mail log. All mail received from the Patent Office is logged in the mail log by serial number or patent number, along with a description of the mail received. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct

application in the computer and matched with the correct application file. Any due dates resulting from the Patent Office mail are entered in the computer.

After receiving the PTO Communication, our computer system was checked. The computer Patent Due Dates section for the subject application did not show a current due date for the Response to the Notification of Non-Compliant Appeal Brief, nor did it show receipt of the Notice. The Patent Office computerized Mail Log was then checked. Mail from the Patent Office is generally received by our firm within two to three days of mailing; however, to ensure a complete check, the daily mail log was searched from June 11, 2009 through June 15, 2009 and found to contain no record of having the Notice for the above-identified application.

The application file was then pulled and the full contents of the file were reviewed. The application file contained no such a notice.

It is believed that the above discussion and documents enclosed herewith clearly prove that the delayed filing of a Response to the Notification of Non-Compliant Appeal Brief for this application is deemed unavoidable due to non-receipt of the Notice.

The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

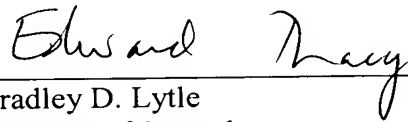
It is hereby requested that a two one-month extensions of time be granted to September 11, 2009 for filing a Response to the Notification of Non-Compliant Appeal Brief. A Notice of Appeal was filed on October 17, 2008.

However, under 37 C.F.R. §1.26(a), any fee paid by mistake will be refunded. Applicants therefore respectfully submit that a refund of \$490.00 for the extensions of time fee filed herewith is justified under 37 C.F.R. §1.26(a), if applicable, and that any refund granted be credited to Deposit Account No. 15-0030.

Furthermore, if the Refund Section has any further concerns, they are invited to contact the undersigned directly at 703-413-2779.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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